

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ROBERT A. LEVY, et al.,

Plaintiffs,

vs.

Civ. No. 98-578 LH/WWD

SWIFT TRANSPORTATION COMPANY,  
INC., et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon a motion by the United States of America to stay discovery pending ruling on jurisdictional matters [docket no. 35] filed October 2, 1998. A fully briefed motion to dismiss filed by the United States was docketed August 10, 1998. In a case involving some of the same claims but not all of the same parties, Judge Campos, *sua sponte*, determined that Plaintiffs' claims against the United States in an amended complaint could not survive either a motion to dismiss or a motion for summary judgment. Since there are definite questions as to the liability of Plaintiffs' claims, I find that a stay would be appropriate. If the stay that I enter needs to be extended, that matter can be addressed later.

**WHEREFORE,**

**IT IS ORDERED** that all discovery, including initial disclosures, shall be stayed until and including December 18, 1998.

**IT IS FURTHER ORDERED** that the Initial Scheduling Order entered herein on August 24, 1998, is vacated and set aside.

  
UNITED STATES MAGISTRATE JUDGE